

Conditional Use Permit No. 445-PC

FEB 25 1976

WHEREAS, CROWN INVESTMENT GROUP, a California corporation, owner, hereafter referred to as "Permittee," filed an application for a permit to construct and operate a 31-unit elderly housing project located on the north side of Robinson Avenue between Albatross and Curlew Streets in the Uptown Community Plan Area, more particularly described as the East Half of the South 1/3 of Lot 1, Palm Heights, and Lot 1 and the East 15 feet of Lot 2, Block 1, Idyllwild, in the R-4 (HR Overlay) Zone; and

WHEREAS, on December 30, 1975, the Planning Commission of The City of San Diego made its findings of facts, which are set forth in Resolution No. 446, and denied a conditional use permit to Permittee to construct and operate a 31-unit elderly housing project, and filed said decision in the office of the City Clerk on February 17, 1976; and

WHEREAS, on January 21, 1976, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, CROWN INVESTMENT GROUP, by PATRICK J. O'CONNOR, president, appealed the decision of the Planning Commission; and

WHEREAS, pursuant to Section 101.0507 of the San Diego Municipal Code, the application for Conditional Use Permit No. 445-PC was set for public hearing on February 25, 1976, testimony having been heard, evidence having been submitted and the City Council having fully considered the matter and being fully advised concerning the same; and

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WHEREAS, the City Council, in considering said appeal is empowered by the provisions of Municipal Code Section 101.0506 to affirm, reverse or modify in whole or in part any determination of the Planning Commission, subject to the limitations as are placed upon the Planning Commission by the Municipal Code; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

All of the following facts exist with respect to Conditional Use Permit No. 445-PC:

1. The use at this location would provide a desirable service or facility which would contribute to the general well being of the neighborhood and community. The applicant indicates that the subject senior housing project at this location would provide needed elderly housing in the Hillcrest area displaced in part by the large amount of condominium conversions. In addition, the subject project would foster balanced community development consistent with adopted Council Policy 600-19, which encourages all types of housing within the various communities of the City.

2. The use would not be detrimental to the health, safety or general welfare of persons living or working in the area or injurious to property or improvements (existing or future) in the vicinity. The proposed residential use of the property, as well as the height (3 stories) and bulk (41% lot coverage) of the structure proposed should be compatible with uses and structures existing within the area.

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3. The proposed use would comply with the regulations and conditions specified in the Municipal Code for such use. The development would be consistent with adopted developmental standards of the underlying R-4 zone and the number of residents would be consistent with the medium density designation of the Uptown Community Plan. On site parking would be consistent with recommendations of the Transportation Division of the Engineering and Development Department at one space for each 3 beds.

4. The granting of this Conditional Use Permit would not adversely affect the General Plan of the City or the adopted plan of any governmental agency. The proposed use of the subject property would be consistent with the adopted Uptown Community Plan, which designates the subject property for medium density residential development, and consistent with the R-3 zone recommended for the subject property by the Planning Commission.

The above findings are further supported by the minutes, tape of the proceedings, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that by a vote of 7 to 1, the appeal of CROWN INVESTMENT GROUP, by PATRICK J. O'CONNOR, president, is hereby granted and this Council does hereby grant to the CROWN INVESTMENT GROUP, Conditional Use Permit No. 445-PC, in the form and with the terms and conditions as set forth in the permit attached hereto and made a part hereof.

FCC:clh
3/3/76

APPROVED: JOHN W. WITT, City Attorney

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By 
Frederick C. Conrad, Chief Deputy

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CONDITIONAL USE PERMIT NO. 445-PC

CITY COUNCIL

This conditional use permit is granted by the Council of The City of San Diego to the CROWN INVESTMENT GROUP, a California corporation, owner, hereafter referred to as "Permittee," for the purposes and under the terms and on the conditions as set out herein, pursuant to the authority contained in Section 101.0507 of the San Diego Municipal Code.

1. Permission is hereby granted to Permittee to construct and operate a 31-unit elderly housing project located on the north side of Robinson Avenue between Albatross and Curlew Street in the Uptown Community Plan Area, more particularly described as the East Half of the South 1/3 of Lot 1, Palm Heights, and Lot 1 and the East 15 feet of Lot 2, Block 1, Idyllwild, in the R-4 (HR Overlay) Zone.

2. The elderly housing facility shall include, and the term "Project" as used in this Conditional Use Permit shall mean the total of the following facilities:

- a. 31, single occupancy dwelling units.
- b. Offstreet Parking
- c. Incidental accessory uses as may be determined and approved by the Planning Director.

3. Not less than 10 offstreet parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A," dated December 30, 1975, on file in the office of the Planning Department.

Each parking space shall be a minimum of 8-1/2 feet by 20

feet in size and shall not be converted for any other use. Areas and driveways shall be marked. Parking spaces and aisles shall conform to Planning Department standards. No charge shall be made at any time for the use of these offstreet parking spaces.

4. Dedicate 2-1/2 feet of additional right-of-way for the existing alley and improve the alley full-width, adjacent to the project, with PCC pavement, satisfactory to the City Engineer.

5. Install a fire hydrant at the intersection of the alley and Robinson Avenue, satisfactory to the City Engineer.

6. The permittee shall comply with the General Conditions for Conditional Use Permits attached hereto and made a part hereof.

Passed and adopted by the City Council on February 25, 1976.

GENERAL CONDITIONS FOR CONDITIONAL USE PERMITS

1. Prior to the issuance of any building permits, complete building plans (including signs) shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity with Exhibit A, dated December 30, 1975, on file in the office of the Planning Department. The property shall be developed in accordance with the approved building plans except where regulations of this or other governmental agencies require deviation therefrom. Prior to and subsequent to the completion of the project, no changes, modifications or alterations shall be made unless and until appropriate applications for amendment of this permit shall have been approved and granted.

2. Prior to the issuance of any building permits, a complete landscaping plan, including a permanent watering system, shall be submitted to the Planning Director for approval. Said plans shall be in substantial conformity with Exhibit A, dated December 30, 1975, on file in the office of the Planning Department. Approved planting shall be installed prior to the issuance of an occupancy permit on any building. Such planting shall not be modified or altered unless and until this permit shall have been amended to permit such modification or alteration.

3. All outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.

4. Substantial construction of the project shall have commenced and shall be proceeding within 18 months from the effective date of this conditional use permit or any extension of time as may be granted herein by The City of San Diego pursuant to the terms set forth in Section 101.0507 and Section 101.0508 of the San Diego Municipal Code.

5. Construction and operation of the approved use shall comply at all times with the regulations of this or other governmental agencies.

6. The effectiveness of this conditional use permit is expressly conditioned upon, and the same shall not become effective for any purpose unless and until the following events shall have occurred:

a. Permittee shall have agreed to each and every condition hereof by having this conditional use permit signed within 90 days of the Council's decision. In no event shall this condition be construed to extend the time limitation set forth in 4 above; i.e., the time commences to run on the date that the City Council granted this conditional use permit.

b. This conditional use permit executed as indicated shall have been recorded in the office of the County Recorder.

7. After the establishment of the project as provided herein, the subject property shall not be used for any other purposes unless specifically authorized by the Planning Commission, or

City Council, or both unless the proposed use meets every requirement of zone existing for the subject property at the time of conversion.

8. The property included within this conditional use permit shall be used only for the purposes and under the terms and conditions as set forth in this permit unless the permit shall have been revoked by The City of San Diego.

9. In addition to any other remedy provided by law, any breach in any of the terms or conditions of this permit or any default on the part of Permittee or its successors in interest, shall be deemed a material breach hereof and this conditional use permit may be cancelled or revoked. Cancellation or revocation of this conditional use permit may be instituted by City or Permittee. The Planning Director shall set this matter for public hearing before the Planning Commission giving the same notice as provided in Section 101.0506. An appeal from the decision of the Planning Commission may be taken to the City Council within ten days after the decision is filed with the City Clerk. The Clerk shall set the matter for public hearing before the City Council giving the same notice as provided in Section 101.0506.

10. This conditional use permit shall inure to the benefit of and shall constitute a covenant running with the lands, and the terms, conditions and provisions hereof shall be binding upon Permittee, and any successor or successors thereto, and the interests of any successor shall be subject to each and every condition herein set out.

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AUTHENTICATED BY:

Mayor of The City of San Diego, California

City Clerk of The City of San Diego, California

STATE OF CALIFORNIA)
) ss
COUNTY OF SAN DIEGO)

On this _____ day of _____, 19____,
before me the undersigned, a Notary Public in and for said
County and State, residing therein, duly commissioned and
sworn, personally appeared PETE WILSON, known to me to be
the Mayor, and EDWARD NIELSEN, known to me to be the City
Clerk of The City of San Diego, the municipal corporation
that executed the within instrument and known to me to be the
persons who executed the within instrument on behalf of the
municipal corporation therein named, and acknowledged to me
that such municipal corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and
official seal, in the County of San Diego, State of California,
the day and year in this certificate first above written.

(Notary stamp)

Notary Public in and for the County
of San Diego, State of California

The undersigned Permittee by execution hereof agrees to each and
every condition of this Planned Commercial Development Permit and
promises to perform each and every obligation of Permittee hereunder.

CROWN INVESTMENT GROUP,
a California corporation

By _____

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Acknowledgment

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss

On this _____ day of _____, 197 , before
me, the undersigned, a Notary Public in and for said County
and State, personally appeared _____,
known to me to be the _____ of

_____ of
the corporation that executed the within instrument and known
to me to be the person who executed the same on behalf of said
corporation and acknowledged to me that said corporation
executed the same, pursuant to its bylaws or a resolution of
its Board of Directors.

WITNESS my hand and official seal.
(Notary Stamp)

Notary Public in and for the County
of San Diego, State of California

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Passed and adopted by the Council of The City of San Diego on **FEB 25 1976**,
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

By *Kochrun Marting*, Deputy.

(Seal)

RECEIVED *LB*
 CITY CLERK'S OFFICE
 1976 MAR 16 PM 4:44
 SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Resolution Number **215411** Adopted **FEB 25 1976**

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